

**Notice of Allowability**

Application No.

09/741,959

Applicant(s)

VENKATRAMAN ET AL.

Examiner

JAGDISH PATEL

Art Unit

3693

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 9/19/2006.
2. ☒ The allowed claim(s) is/are 1, 2 and 7-10.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 11/1/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **DETAILED ACTION**

1. This communication is in response to amendment filed 9/19/2006.

#### ***Response to Amendment***

2. Claims 3 and 4 have been canceled, claim 1 has been amended per request.
3. Claims 1, 2, 7-10 are pending and have been allowed.

### **EXAMINER'S AMENDMENT**

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kang S. Lim Reg. No. 37,491. Note that claim 1 has been amended to correct typographical errors.

Please amend claims 1 and 7-10 as follows.

Claim 1. A computer-implemented method for determining a preferred set of prices for a plurality of products, the method being implemented as a plurality of program instructions in a computer system, the method comprising:

receiving, using the computer system, a plurality of demand coefficients;

receiving, using the computer system, known cost data including activity-based costs;

inputting, using the computer system, missing or incomplete cost data to give inputted cost data;

combining using the computer system, said known cost data with said inputted cost data to give a combined cost data set;

Art Unit: 3693

generating, using the computer system, a sales model from the plurality of demand coefficients;

generating, using the computer system, a cost model from the combined cost data set, and wherein the activity-based costs include variable costs and fixed costs, further wherein said cost model determines a total cost for each product in a given demand group in a given store for a given time period by computing a cost for each selected costing activity;

receiving, using the computer system, a set of actual prices;

initializing, using the computer system, a set of incumbent prices to the set of actual prices;

generating a local optimum by applying, using the computer system, the set of incumbent prices to the sales model and the cost model wherein the local optimum for the preferred set of prices maximizes profit; and

generating the preferred set of prices by applying, using the computer system, the local optimum prices to the sales model and the cost model in an iterative manner until the preferred set of prices is reached.

Claim 7. The method, as recited in claim 1, wherein the cost data is from an individual store and the preferred set of prices is generated for said individual store.

Claim 8. The method, as recited in claim 1, wherein the cost data is from a cluster of stores and the preferred set of prices is generated for said cluster of stores.

Claim 9 The method, as recited in claim 1, further comprising: generating, using the computer system, equivalent prices for said plurality of products by dividing individual product prices by a standardized unit of measure; and

incorporating, using the computer system, said equivalent prices into said sales model.

Claim 10. The method, as recited in claim 1, wherein said demand group

Art Unit: 3693

is a set of highly substitutable products.

***Reasons for Allowance***

5. The following is an examiner's statement of reasons for allowance:

The claimed inventions pertain to a method for determining a set of prices for a plurality of products based upon profit optimization analysis.

The following prior art references have been deemed most relevant to the allowed claim(s):

Ouimet et al. (US 6,094,691) (Ouimet) discloses a method for determining a preferred set of prices for a plurality of products based on plurality of demand coefficients and cost data (see Figures 1 and 2 and col. 3-6). Ouimet also inherently teaches generating sales model and cost model (refer to demand models, referred to in col. 4-6).

Ouimet fails to teach generating a local optimum by applying a set of incumbent prices to the sales model and the cost model wherein the local optimum for the preferred set of prices maximizes profit and generating the preferred set of prices by applying the local optimum prices to the sales model and the cost model in an iterative model until the preferred set of prices is reached.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee.

Art Unit: 3693

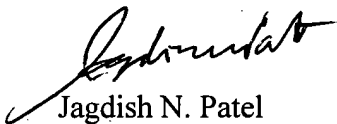
Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on 800AM-600PM M-Tu and Th. On Fridays the examiner can be reached at (301) 455-0510.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammel can be reached on (571)272-6712. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3693)

11/27/06